

SAN FRANCISCO COMMISSION ON THE ENVIRONMENT

BYLAWS

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COMMISSION ON THE ENVIRONMENT BYLAWS

(As Adopted on December 10, 1996)
(As Amended on January 14 and February 11, 1997)
(And Further Amended on November 12, 1997)

Article I - Identification

Section 1: Name

The Commission on the Environment.

Section 2: Office

The Commission on the Environment shall be located at 1540 Market Street, Suite 160, San Francisco, California, 94102, or such other address where the Commission may be located from time to time. The telephone number for the Commission is (415) 554-6390.
(Amended November 12, 1997)

Section 3: Compliance with Applicable Laws

The Commission shall comply with all applicable laws, including but not limited to the Ralph M. Brown Act (Cal. Government Code Section 54950 *et seq.*), the Political Reform Act of 1974 (Cal. Government Code Section 81000 *et seq.*), the San Francisco Charter, the San Francisco Sunshine Ordinance (San Francisco Administrative Code Section 67.1 *et seq.*), Proposition F¹ adopted by the voters on June 3, 1986; and the Improper Government Activities Ordinance, San Francisco Administrative Code Section 16.400 *et seq.*

Article II - Mission Statement

Section 1: The Commission on the Environment

The mission of the Commission on the Environment is to improve, enhance, and preserve the quality of life in San Francisco in the areas of solid waste management, recycling, energy conservation, natural resource conservation, environmental justice, toxics, urban forestry and natural resources, habitat restoration, hazardous materials, transportation, and protection of the natural world; and to promote San Francisco's long-term environmental sustainability.
(Amended November 12, 1997)

¹ Proposition F was codified as Appendix K to the 1932 City Charter. It is no longer in the Charter. However, Proposition F will be codified in the San Francisco Administrative Code in the near future.

Article III - Commission on the Environment

Section 1: Number

The Commission on the Environment shall consist of seven members appointed by the Mayor, pursuant to Section 4.118 of the City Charter.

Section 2: Term of Appointment

The term of each commissioner shall be four years, unless removed by the Mayor, at his or her discretion.

Section 3: Compensation

Commissioners shall serve without compensation.

Section 4: Oath of Public Office

Acceptance of the Oath of Public Office constitutes the Commission's sworn responsibility to the public trust. Members are required to serve well and to faithfully discharge their duties and responsibilities diligently and in a manner consistent with the laws of the City and County of San Francisco, and all applicable state and federal laws.

Section 5: Function

The Commission on the Environment shall be responsible for the development and success of an overall sustainability strategy for the City of San Francisco. It shall have responsibility for the development of environmental policies, strategies, practices and programs for the Department of the Environment in San Francisco. Consistent with Section 4.118 of the City Charter, the Commission shall advise other city agencies and work with them to reduce negative impacts on the environment in areas of their jurisdiction and activities and augment their efforts to communicate environmental issues to the general public.

Section 6: Duties and Responsibilities

A. The Commission on the Environment shall:

- (1) Establish policies and directives for the Department of the Environment;
- (2) Nominate qualified candidates for the position of Director of the Department of the Environment for appointment by the Mayor and evaluate the performance of the Director at least once a year;

(3) Conduct public education and outreach to the community on environmental issues;

(4) Have the authority to review and make recommendations on any policy proposed for adoption by any City agency regarding conformity with the long-term plans for environmental sustainability, except for those regarding building and land use;

(5) Have the authority to investigate and make recommendations to all City agencies related to operations and functions, such as solid waste management, recycling, energy conservation, natural resource conservation, environmental inspections, toxics, urban forestry and natural resources, habitat restoration and hazardous materials; and

(6) Review and approve the Department of the Environment's budget, budget modifications or fund transfers.

B. The Department of the Environment shall:

(1) Produce and regularly update an assessment of San Francisco's environmental condition;

(2) Produce and regularly update plans for the long-term environmental sustainability of San Francisco; and

(3) Manage the environmental programs, duties and functions assigned to it pursuant to Section 4.132 of the City Charter, or by ordinance.

Section 7: Excused Absences

If a Commissioner provides prior notification of absence from Commission and Committee meetings to the President of the Commission, then such absence is considered an excused absence. If no prior notice is received by the President or Secretary of the Commission, then the minutes shall note that the absence is unexcused.

Section 8: Absence from the State

Any member of the Commission who plans to be absent from the State of California for an extended period shall notify the President of the Commission.

Article IV - Officers

Section 1: Officers

The officers of the Commission are a President and Vice-President. The President and Vice-President shall serve at the pleasure of the Commission.

Section 2: Term of Office

The term of each office shall be one year.

Section 3: Nomination and Election of Officers

A. Elections for officers shall be conducted at the regular meeting of the Commission in October of each year. At the regular Commission meeting held in September of each year, any Commissioner interested in running for office shall state publicly his or her interest and willingness to run for a specific office. Such Commissioners, and any other Commissioners nominated at the October meeting, shall be candidates for office.

B. If the office of the President is vacated before the expiration of a term, the Vice President shall serve as President until the next regular meeting. The Commission shall conduct an election for President at the next regular meeting to fill the vacancy. If the Vice President is elected as President, there shall be an election for a new Vice President at that meeting. If the office of Vice President is vacated before the expiration of a term, it shall remain vacant until the next regular meeting, at which time an election shall be held. Any Commissioners nominated at a meeting at which a special election is held shall be candidates for office.
(Amended February 11, 1997)

Section 4: General Duties and Responsibilities of the President

The President shall preside at all meetings of the Commission and act as an ex-officio non-voting member of all standing committees. The President, working with the Commission Secretary and Director of the Department of the Environment, shall oversee the preparation and distribution of the agenda for all regular Commission meetings. The President shall be accountable to the Commission as a whole in setting policy and shall also perform such other duties as may be assigned by the Commission. The President (and/or his/her designee) shall serve as the liaison to the media and the other departments, agencies and commissions of the City and County of San Francisco, as necessary.

Section 5: General Duties and Responsibilities of the Vice-President

The Vice-President shall perform the duties and responsibilities that may be delegated by the President. In the absence or disability of the President, the Vice-President shall perform the duties as described above, in Section 4 of this article.

Article V - Commission Staff

Section 1: Director

The Director is appointed by the Mayor, from a list of candidates proposed for his or her consideration by the Commission. The Director serves as the chief executive and administrator of the Department of the Environment and shall have the duties and powers which are set forth in the Charter and ordinances of the City and County of San Francisco, including those duties set forth above, in Section 6(B) of Article III. The Director shall attend all meetings of the Commission. The Director shall report on all matters regarding the Department of the Environment which are of concern to the Commission.

Section 2: Commission Secretary

The staff of the Department of the Environment shall include a Commission Secretary, who is hired by the Director. The Commission Secretary shall attend all meetings of the Commission. Under the supervision of the President, which supervision may be delegated to the Director, the Commission Secretary is responsible for the proper recording and distribution of all Commission actions, correspondence, and agendas, and ensuring that the Commission meetings are properly publicly noticed and held at locations which are accessible to persons with disabilities. The Commission Secretary shall also perform such other duties as may be assigned by the Commission and Director, including but not limited to: conducting research, assisting committee chairs and officers, making recommendations on assigned projects, answering questions from the public about Commission activities and procedures, helping Department staff prepare for presentations before the Commission, and representing the Commission and Department at public gatherings, as appropriate.

Section 3: Legal Advisor

The City Attorney, or his or her designee, shall be the legal advisor to the Commission. If the City Attorney determines in writing that he or she cannot, consistent with the Rules of Professional Conduct, provide advice sought by the Commission, the City Attorney may recommend that the Commission retain outside counsel.

Article VI - Committees

Section 1: Membership of Committees

Committee members shall be appointed by the President of the Commission for one-year terms. (Amendment adopted January 14, 1997)

Section 2: Committee Chairs

It is the policy of the Commission on the Environment to appoint individual Commissioners to perform specific tasks or functions related to matters which are brought before

the Commission for action. The President may appoint individual Commissioners to serve as Committee Chair for a specified period of time.

Section 3: Committee Meetings

Committees shall meet at regularly scheduled times and places, or at additional meetings as deemed necessary by a particular committee's Chair or a majority of the committee. All committee meetings shall be properly noticed, and conducted in the same manner as regular Commission meetings.

Section 4: Committee Quorum

A majority of the members of a committee shall constitute a quorum.

Section 5: Standing Committees

The Commission shall have two standing committees: (1) Finance and Operations; and (2) Planning and Policy. Each committee shall have at least three members.

Section 6: Finance and Operations Committee

The Finance and Operations Committee shall have general responsibility for the budget, financial planning and operations of the Department of the Environment. This Committee shall work with the Director and make recommendations to the Commission for the financial well-being and effective administration of the Department's programs and activities, including the management of environmental programs, duties, and functions which have been assigned to the Department pursuant to Section 4.128 of the City Charter or by ordinance. This Committee shall also oversee the public education and outreach to the community on environmental issues.

Section 7: Planning and Policy Committee

The Planning and Policy Committee shall have general responsibility for and oversee the long-term planning and policy development activities of the Department of the Environment, including the Department's assessment of San Francisco's environmental conditions, the development and update of plans for the long-term environmental sustainability of San Francisco, and the review and development of recommendations on any policy proposed for adoption by any City agency regarding conformity with the long-term plans for environmental sustainability. Furthermore, the Planning and Policy Committee shall work with the Finance and Operations Committee and the Director of the Department of the Environment, to develop recommendations regarding restructuring of environmental programs and activities among the City agencies and departments.

Section 8: Other Committees

The Commission and/or the President, at his or her discretion, may establish other committees or task forces on an ad-hoc basis to perform tasks or functions as necessary, or to address issues outside the purview of the standing committees.

Article VII - Meetings

Section 1: Quorum

At all meetings of the full Commission, the presence of a majority of the members shall constitute a quorum for all purposes. The affirmative vote of a majority of the members (i.e., four votes) shall be required for the approval of any matter.

Section 2: Public Participation

The Commission shall hold meetings open to the public and encourage the participation of interested persons. Each person wishing to speak on an item before the Commission shall be permitted to be heard. The total time for public comments may be limited by the President in a manner consistent with the San Francisco Sunshine Ordinance. Each agenda for regular meetings shall provide an opportunity for members of the public to directly address the Commission on items of interest to the public that are within the Commission's jurisdiction. The Public Comment opportunity shall appear on the agenda after "New Business"; except that, at the President's discretion, the Public Comment can be heard earlier in the agenda.

Section 3: Meeting Minutes

Minutes shall be taken at every regular and special Commission and committee meeting and shall be approved by the majority vote of the Commission or committee, whichever the case may be.

Section 4: Regular Meetings

Regular meetings shall be held on the second Tuesday of each month, except in the case of City-recognized holiday, when the meeting shall be held on the following Tuesday of that month. Meetings shall be held at the War Memorial Building, 401 Van Ness Avenue, Room 207, in the City and County of San Francisco.

Section 5: Notice of Meetings

Notices and agendas of all regular and special Commission and committee meetings shall be posted at the San Francisco Main Library and mailed to each Commissioner and any person who files a written request for such notice with the Commission. Notice of regular meetings shall be posted at least 72 hours before the meeting. Notice of special meetings shall be posted at least 24 hours before the meeting. In the case of a special meeting held at a location other than the regular Commission meeting place, 15 days notice shall be provided.

Section 6: Closed Sessions

The Commission is authorized to hold closed (non-public) sessions at regular and special meetings for purposes of confidential discussions, such as the discussion of job performance, or dismissal of employees, or pending litigation. Upon consultation with a legal advisor from the

City Attorney's office, and the determination that a closed session is both authorized and appropriate under the circumstances, the President of the Commission, or Chair of a committee, may call for a closed session. Appropriate notice shall be given of all closed sessions.

Section 7: Special Meetings

The President of the Commission may call special meetings to address specific matters. Such special meetings shall be properly noticed in accordance with applicable laws and ordinances.

Article VIII - Agenda Requirements

Section 1: Agenda Preparation

The agenda for meetings is prepared through the joint effort of the President, the Director of the Department of the Environment, and the Commission Secretary. The Commission Secretary shall work with the President, committee Chairs, Director and the Commission's legal advisor to develop the agenda. The agenda shall consist of items requested by the President, the Director or the Commission.

Article IX - Voting

Section 1: Voting and Abstention

Each member present at a Commission or committee meeting shall vote "yes" or "no" when a question is put, unless excused from voting by a motion adopted by a majority of the members present, or unless the member has a conflict of interest which legally precludes participation in the vote. Whether a Commissioner has a conflict of interest which precludes participation in a vote is determined on a case by case basis and, to the extent possible, in consultation with a legal advisor from the City Attorney's office.

Article X - Parliamentary Procedures

At the discretion of the President of the Commission or the committee Chair, and except where the Charter or other rules provide to the contrary, meetings shall be governed by Robert's Rules of Order.

Article XI - Codes of Ethics

In accepting the Oath of Office, Commissioners shall maintain the highest standards of professional and personal conduct. They shall support the mission, goals and objectives of the San Francisco's Commission on the Environment; instill in the public a sense of confidence about the Commissions' conduct and intentions; uphold all laws and regulations; refrain from using their official positions to secure special advantage or benefit for themselves or others.

In order to set the highest standards of conduct, and in order to assure public confidence in the Commission's operations, the Commission on the Environment commits itself to:

- * Encouraging and promoting integrity in government by education and example;
- * Being accountable for its rules of procedure and decisions, and promoting accountability of all members of the Commission and Department staff;
- * Treating all Department staff, members of the public, and colleagues with courtesy, respect, objectivity, and fairness;
- * Conducting all Commission business in a timely manner and in public meetings, with full disclosure of policies, procedures, and decision-making processes, except for those matters authorized under the Brown Act and the San Francisco Sunshine Ordinance to be considered in closed session; and
- * Reviewing its actions, recommendations, and procedures periodically to determine whether the Commission has adhered to its Code of Ethics and mission in all respects.

Article XII - Amendment of Bylaws

These bylaws shall be reviewed as necessary and may be amended at any regular meeting of the Commission by a majority vote of those present, provided such proposed amendments are circulated in writing to all Commissioners and noticed to the public at least ten (10) days prior to such meeting.

